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Chair

Mr. Rob Anders

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• (1535)

[English]

The Chair (Mr. Rob Anders (Calgary West, CPC)): Good afternoon, ladies and gentlemen. We are in for another meeting of the Standing Committee on Veterans Affairs.

Today, we have as our witnesses, Mr. Jack Frost, the president of the Royal Canadian Legion, and Mr. Pierre Allard, director, service bureau, Dominion Command.

Gentlemen, I won't take up any of your time. We're going to allow you about ten minutes each. After that, we're going to open it up to questions.

Mr. Frost, the floor is yours.

Mr. Jack Frost (Dominion President, Royal Canadian Legion): Thank you very much. Honourable members of Parliament, observers, I've brought along my director of the service bureau, Pierre Allard. He's our pension expert within the Legion, and certainly without his assistance, to be quite honest, I would flounder with very specific pension issues.

Certainly, it's my pleasure to appear today in front of your committee. I appreciate the opportunity to provide you with an update on the views of the Royal Canadian Legion on two topical issues, (a) a veterans bill of rights, and (b) an ombudsman for veterans.

First, I must point out that the Legion executive is still engaged in developing a consensus on a Legion policy that would address all our concerns on these two issues. Also, I'd like to highlight some of our pressing priorities over and above the current focus on a bill of rights and an ombudsman.

Apart from these two issues, we feel very strongly that Veterans Affairs Canada should address the following three issues as a high priority: one, pre-1981 widows or veterans who are deemed not eligible for VIP should be provided these services immediately; two, frail traditional veterans should be provided VIP services immediately, whether or not they are entitled to a disability pension; and three, Canadian Forces veterans should be eligible immediately for access to critical care in the seventeen major long-term care facilities where Veterans Affairs Canada controls access to primary access beds. The need for such services is an urgent priority in view of some of the very serious and long-term injuries suffered by Canadian Forces members in Afghanistan.

In the longer term, access to long-term care primary access beds should be implemented for all Canadian Forces veterans who have

served in a special duty area. These priorities frame our immediate advocacy vision.

Let me now address the veterans bill of rights as far as the Legion is concerned. We strongly advocate for a short document focused on identifying the rights of veterans and not the service standards or the turnaround times of the department. The promulgation of a service delivery framework has nothing to do with a veterans bill of rights.

A veterans bill of rights should be short and sweet. It should fit into a veteran's wallet for handy reference. It should identify the basic rights in simple and easy to understand language. Finally, it should be enshrined in legislation. A future ombudsman should have the responsibility to ensure that the said bill of rights is adhered to.

The Legion has advocated for a very long time for an inspector general to monitor the quality of care in primary access beds in long-term care facilities controlled by VAC. An ombudsman should also ensure that the financial resources provided by Veterans Affairs Canada are allocated to the care of veterans. Indeed, this should be a prime responsibility of a veterans ombudsman.

We have also recently explored a number of models for an ombudsman with our provincial presidents and are becoming more comfortable with other roles. Another area where an ombudsman should be engaged is the disability pension award process. A veterans ombudsman could ensure that when applying for disability benefits, veterans are treated with fairness and receive the benefit of the doubt, which in our view is not always supported.

It might be impractical and counterproductive to engage the resources of an ombudsman to investigate at all levels of the disability process until all levels of the field have been subscribed to by the applicant. The VRAB, the Veterans Review and Appeal Board, is a quasi-judicial tribunal mandated to apply a simple, standard review: is there disability, and is there a military nexus that can be associated with that disability? If there is any doubt in reaching this basic and simple standard of review, VRAB should vary favourably the departmental decision. This is not intended to be a cumbersome and adversarial legal procedure, though the mandate of VRAB is enshrined in legislation, the VRAB Act.

You are no doubt aware of the three levels of appeal under VRAB. The chairman describes the reconsideration as an “extraordinary provision”. There is a complication here in that to reach what is called the reconsideration, VRAB has to screen in a request to appear at that level. This is the level at which, through a VRAB interpretation hearing, the first one since 1995, VRAB has now confirmed a new criterion of due diligence for new evidence.

The chairman allowed advocates, either BPA lawyers or Legion service officers, to make oral intervention at the “screening in” to present arguments on why a client's case should be heard at the reconsideration. This was consistent with a decision of the Federal Court by Justice Tremblay-Lamer in *Gagné v. Attorney General of Canada and Veterans Review and Appeal Board*.

The VRAB chairman also entertained the restarting of the dormant process of interpretation hearings. The Legion accepts that these two steps are very good measures to ensure the process is fair and equitable.

Under section 39 of the VRAB Act, tribunal members are ascribed to consider each case on its own merits and to apply the benefit of the doubt. Section 39 directs VRAB to accept any uncontradicted evidence and to draw a very reasonable inference in favour of the applicant. It says nothing about the criterion of due diligence in introducing new evidence.

Under section 3 of the Pension Act, “disability” is defined as “the loss or lessening of the power to will and to do any normal mental or physical act”. Section 3 of the Pension Act is a statutory provision under the general instructions provided under chapter 2 of its table of disabilities. The minister clearly outlines that the table of disabilities exists only to assist Veterans Affairs Canada and medical officers in fulfilling their responsibilities; it does not offer final or absolute value. Yet VRAB feels it is bound by the subordinate policy of Veterans Affairs Canada's hearing loss policy.

In a recent decision where a veteran was turned away from VRAB for reconsideration for a hearing loss disability because he did not meet the mechanical standards of the hearing loss policy, VRAB viewed its role as an academic one, even though VRAB members acknowledged that the applicant's hearing had been damaged by factors directly related to his military service and thus he could be considered disabled. VRAB did not even entertain awarding a partial pension entitlement, which is well within its adjudicative powers. For your benefit, we've enclosed a copy of the Federal Court decision 2006 FC225, dated March 15. This Federal Court decision has been appealed by the Attorney General of Canada on the basis of a perceived discrepancy between the French and English versions of the Pension Act, a rather tenuous rationale.

By taking a hard-line, mechanical approach on hearing loss rulings, one could argue that VRAB is abdicating its adjudicating responsibilities to provide the benefit of the doubt. One could even conclude that VRAB is creating two sets of tests: one for hearing loss and one for other conditions. The generous intent as set out in section 2 of the Pension Act and section 3 of the VRAB Act demands nothing less than a liberal interpretation.

Why are veterans compelled to go to Federal Court? Is it because VRAB is not as generous and liberal as contemplated in its statutes?

If I go back to the previous requirement to screen in a request to appear at reconsideration without the presence of an advocate who could make an oral argument to allow screening in, it follows logically that veterans may have been frustrated to see their advocates barred from a process that gained access to what the chairman calls this “extraordinary provision”. I would argue that many cases that ended up in the Federal Court are cases that have been barred from the reconsideration screening level; however, having allowed an oral representation by an advocate at the reconsideration screening, VRAB is now taking a backwards step by introducing the due diligence criterion in its decision process, which unfortunately comes from a Federal Court precedent.

VRAB seems to be using the precedent from the Federal Court on a permissive basis to change the intent of the VRAB Act and the Pension Act, yet VRAB does not have the right to change the legislation—nor do the judges, for that matter. This is a prerogative of Parliament. Why would VRAB apply a due diligence criterion under new evidence? Would this not actually encourage more veterans to go to the Federal Court to seek redress, and at what cost, in terms of timeframes and legal expenses? The only real test for new evidence should be relevancy, credibility, and reasonableness, in accordance with section 5 of the Pension Act and section 9 of the VRAB Act.

We believe that redress from the Federal Court is a catch-22 process. VRAB, through its one and only interpretation hearing since 1995, ruled on February 1, 2005, that the application of a due diligence principle in assessing new evidence at reconsideration is a legitimate and necessary criterion to be considered as one of the factors in the overall determination of whether to reopen an appeal decision. The interpretation hearing decision has been challenged in the Federal Court by the Bureau of Pensions Advocates in late April 2006, and we're still awaiting the decision of the Federal Court.

VRAB can refuse to consider a previous appeal decision if it concludes that the evidence tendered could, through the exercise of due diligence on the part of the applicant or his representative, have been attained before the appeal decision was rendered. In the end, a well-deserving veteran could be deprived of a disability pension because his advocate, either a Bureau of Pensions Advocates lawyer or a Legion service officer, has failed to exercise due diligence.

Such a restricted interpretation of the legislation is contrary to VRAB's statutory obligation pursuant to section 2 of the Pension Act, which provides that the provision of the Pension Act shall be liberally construed and interpreted, to the end that the recognized obligation of the people and Government of Canada to provide compensation to those members of the forces who have been disabled or have died as a result of military service, and to their dependants, may be fulfilled.

• (1540)

One should keep in mind that when the Federal Court directs VRAB to reconsider a case, this in no way means that VRAB will now rule favourably. Some Legion clients have indeed resorted to numerous reconsideration hearings to seek fairness, sometimes having expended large amounts of money to seek a favourable judicial review, and have been subsequently turned down again by VRAB.

The reason we've provided this lengthy explanation brings us to a specific role that we feel should be attributed to a veterans ombudsman. Simply said, instead of going directly to the Federal Court, a veteran should have a voice and a choice to request a review of his case by an ombudsman.

This would achieve two goals. First, it would offer veterans an option to seeking redress at the Federal Court, usually at large personal cost. Secondly, it would minimize interference by the Federal Court in interpreting the VRAB Act and indirectly providing misguided rationale to amend the act. Like the Federal Court, the ombudsman should have the power to direct VRAB to reconsider a case with either the old panel or with a new panel. Such an intervention may require an amendment to the VRAB Act. In addition, an ombudsman should play an appeal role in all administrative decisions of Veterans Affairs relating to health benefits and to benefits under the new Veterans Charter where VRAB has currently no jurisdiction.

As I mentioned previously, we have long advocated for an ombudsman to resolve issues related to long-term care. Now we're advocating for a better mandate for an ombudsman with the powers to investigate and report officially to the minister. It would complement the resolution and compliance process.

This concludes our presentation. A veterans ombudsman would ensure greater compliance and accountability and would serve as a court of last resort when all other venues have been exhausted.

We would certainly be ready to answer any of your questions. Thank you.

• (1545)

The Chair: Thank you very much, Mr. Frost.

We are going to go to our rotation. Mr. Cuzner of the Liberals is up first. Seven minutes, Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you very much for the presentation.

I did my best to try to follow through with the presentation. I want to bring you back to your opening remarks and a couple of the points you had identified, prior to getting into the issue of the ombudsman.

The first one is the position that the Legion has taken on the pre-1981 widows and veterans with regard to the VIP. I have a constituent you may know and be aware of, Joyce Carter, a great lady, who has been a strong advocate for the VIP. Prior to the last election she was in receipt of correspondence from the then leader of the official opposition that stated upon election the VIP would be immediately extended to cover anybody pre-1981. She has receipt of that correspondence.

Knowing the position of the Legion, has the Legion secured any similar correspondence or had you been reaffirmed at any time from the official opposition at that time that this would in fact take place, that the VIP would be extended?

Mr. Jack Frost: No, sir, we have no correspondence to that effect from the official opposition of the day that it would be a priority for them to implement. We have no correspondence.

Mr. Rodger Cuzner: You've long advocated that it should be extended to pre-1981.

Mr. Jack Frost: We've long advocated that and we will continue to do so.

Mr. Rodger Cuzner: When you talk about VRAB and that the decisions of VRAB should vary favourably to the departmental decision, I want to get your sense of the statistics. Are there any statistics that state how often VRAB complies with departmental decisions? Could you shed some light on those types of numbers?

Mr. Jack Frost: Yes, I can ask Mr. Allard.

Mr. Pierre Allard (Director, Service Bureau, Dominion Command, Royal Canadian Legion): Generally, the departmental decisions are favourable at about a 60% to 75% rate. If we look at what VRAB does, I would say, and this is off the top of my head, that at the first level of appeal they will probably vary favourably 50% of the decisions and at the second level of appeal they would probably vary 25% of the decisions.

• (1550)

Mr. Rodger Cuzner: There would be an additional 25% on the second appeal.

Mr. Pierre Allard: On the last level.

That reconsideration is where it becomes a little more problematic because of some of the processes that are in place and because some of the veterans seek some recourse from the Federal Court. There are not very many appeals that go to the Federal Court. Again, off the top of my head, I would probably say 20 to 25 every year. Half of those are judged favourably by the Federal Court; half are judged not favourably, and of those, maybe 10 to 12, again, 50%, may be accepted favourably by VRAB and the other six are turned away. So it is not a big problem in that context. It is just that people who do seek assistance from the Federal Court are spending a lot of money and sometimes for nothing.

On top of that, and I think it was pointed out by NCVA last week, some of the decisions that are coming out of the Federal Court are problematic because the judges of the Federal Court, bless their souls, don't necessarily understand the complexity of the VRAB Act. So if the ombudsman was there as an option for people, so they could say, okay, maybe I don't need to go to the Federal Court, maybe I just need to go and seek redress from an ombudsman...I think that would play a very good role in the process.

Mr. Rodger Cuzner: Do you see the role of the ombudsman to weigh in on whether or not the veteran received due process as opposed to adjudicating the case?

Mr. Pierre Allard: We see that role as basically doing exactly what the Federal Court does and demanding or requesting that the VRAB, whether with the old members or with new members, reconsider its decision.

So, no, the ombudsman would not be an adjudicator. We don't see that role for the ombudsman. We simply see he's a person of last resort who looks at a case and says, well, these are the elements of the proof that were presented on behalf of the veteran; maybe you didn't pay enough attention to these circumstances and maybe you should look again.

Mr. Rodger Cuzner: Mr. St. Denis is going to...

The Chair: For a minute and a half.

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskaing, Lib.): Thank you, Mr. Chairman. I have a brief question and in a later round I'll go to another larger question.

First, the previous government started and then the current government finished off the Veterans Charter project. Some of us are newer to the committee—and the Veterans Charter was generally well received.

I respect that the Legion is still looking at what a bill of rights for veterans would look like and an ombudsman. Do you have at least a sense of what a bill of rights might look like versus the Veterans Charter that's now in place?

If there isn't sufficient time now, I'll continue that question afterwards, Mr. Chair.

Do you have any initial thoughts, Mr. Frost?

Mr. Jack Frost: The charter guarantees are in the pension and health benefit areas. It guarantees specific items, whereas the bill of rights would be a more general document that guarantees that the veteran will receive due justice through the whole process.

Mr. Brent St. Denis: So where the charter is specific to the benefits, a bill of rights would be more global.

Mr. Jack Frost: Yes.

Mr. Brent St. Denis: Okay, I'll come back to that afterwards.

The Chair: Now, Monsieur Perron, with the Bloc.

[*Translation*]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Congratulations, Mr. Frost, on being elected President of the Royal Canadian Legion.

Our colleagues seated opposite have indeed announced their intention to appoint an ombudsman, or to create an ombudsman position, which in itself is not such a bad decision.

Let me give you my definition of an ombudsman. He is a someone who maintains a neutral stand, who is mandated to investigate personal cases of veterans who may have had their rights violated as a result of an administrative, or human error. The ombudsman's job is to ensure that taxpayers are treated fairly by the government. At first glance, my rather simplistic definition has a certain attraction.

Should an ombudsman report to the department, or to the government?

• (1555)

[*English*]

Mr. Jack Frost: This is a simple answer. In an ideal world, the ombudsman should report to Parliament. That would be the Legion's ideal scenario. Failing that, we believe there could be a parliamentary secretariat, where possibly all ombudsmen—because there's already a DND ombudsman—could report through the secretariat and then to the minister. But it would still come to the parliamentarians.

We would also like to see a panel of veterans groups such as the Legion, the NCVA, ANAVETS, that the ombudsman could come to if he had specific questions about pensions.

Thank you.

[*Translation*]

Mr. Gilles-A. Perron: However, the ombudsman is also authorized to conduct investigations. He can call witnesses, both for the government and for the complainant, to report on whether or not the department, an employee or someone else is guilty of an abuse, whether voluntary or involuntary. The ombudsman's role is that of public protector. My concern, first and foremost, is that he must report to Parliament and to parliamentarians, not to the department, because it is difficult to bite the hand that feeds us.

Secondly, what kind of mandate should the ombudsman be given? Should he serve for a five-year, ten-year, two-year, or eight-year term? Do you have an opinion on that?

[*English*]

Mr. Jack Frost: I think a trial period should be six years. And depending on how it goes, the ombudsman role could go on indefinitely. I certainly think that six years would give you ample time to see if there's a requirement there for this individual to assist your constituents, who are veterans, and to help them through the bureaucracy.

[*Translation*]

Mr. Pierre Allard: A six-year mandate would allow the ombudsman to bridge the gap between two governments. This would preclude lending political overtones to the ombudsman position.

Getting back to Mr. Frost's views on the ombudsman's role, if the position was legally mandated, more than likely he would report to the government. However, if he reported only to the government, there could conceivably be a secretariat with which all ombudsmen would be associated. In that case, the head of the secretariat would be the one reporting to Parliament, whereas the different ombudsmen would report to their respective departments, given that we also believe in ministerial responsibility.

Mr. Gilles-A. Perron: In my view, the ombudsman wields a certain authority over ministers. He has the authority to inform departments that they “dropped the ball”, so to speak.

If you haven't already done so, Mr. Allard, I recommend that...For starters, you propose a six-year term of office to ensure a transition that is not blemished by politics. I don't think politicians should have a say in this, regardless of their political affiliation, bet it Liberal, Péquiste, Bloquiste or otherwise. We're talking about parliamentarians. There's a difference between a politician and a parliamentarian. The ombudsman's mandate is to protect members of the public. Therefore, he answers to parliamentarians, not to a particular political party. His main job is that of public protector.

Furthermore, I don't know if you've had an opportunity to research the subject further. I've a suggestion to make which I will put to my colleagues after the meeting. Since 1984, Quebec has had its own ombudsman. He is known as the public protector. I recommend you check out a very good bilingual website on the subject. It will give you a better idea of the ombudsman's role, which clearly is that of a public protector.

Do I have any time remaining?

● (1600)

[English]

The Chair: Twenty seconds.

[Translation]

Mr. Roger Gaudet (Montcalm, BQ): My question will take longer than 20 seconds.

In your opinion, would the ombudsman's status be equal to that of the Auditor General? Judging from your presentation, what's needed is an inspector to monitor the quality of institutional care and the use of financial resources. What type of work would the ombudsman actually be doing? Among other things, would he be auditing operations?

I'll put my question again later.

[English]

The Chair: They're welcome to respond if they wish, but the seven minutes are up.

Mr. Jack Frost: We can respond to that.

We advocated for an inspector general when we were looking at what we felt were moneys in the long-term care facilities that were being misused. We advocated for an inspector general who would have the authority to go in and examine the fiscal books to ensure that the moneys Veterans Affairs Canada was giving to these major centres was in fact being allocated to the veterans and not to a community body.

I wouldn't see the role of an ombudsman being the same, particularly whether he would have that authority if somebody brought it to his attention that they thought there was fiscal abuse going on. They could bring that to his attention and prepare the case in front of him, and if he so agreed, then at that time he could order a forensic audit if necessary.

So there is a difference. I think what you have to be sure of with the ombudsman—and I agree with what your colleague has just said—is protecting the interests of the citizen and the veteran. That is his primary responsibility, but he has to be given the authority to open every door necessary in order to reveal the facts he's looking for.

The Chair: Mr. Stoffer, for five minutes.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chair.

First of all, Mr. Frost, congratulations on your appointment as president of this great organization. I happen to think—and I know I speak on behalf of the committee—that Mary Ann Burdett did a great job in her role as president.

I also want to thank the Royal Canadian Legion and their convention for a couple of issues that were brought up. I tend to read your magazine when it comes out. Thank you for your support on the ending of the clawback of the military and RCMP pensions at 65, as well as the disability one. I also thank you for your support to assist veterans in terms of allowing more of their pensions to go to their spouses when they pass on. Instead of the 50%, I believe you're advocating 66%, so I thank you for that advocacy.

There is one concern, of course. It's important that veterans and their families know there's another body that can advocate on their behalf if they have difficulty with a particular aspect of government—in this case, Veterans Affairs. But as you know, the DND ombudsman can just make reports and publish his findings for public record. He can slam the government and he can slam the department, but none of his things are binding in any way.

One of the concerns I've heard in a pessimistic manner from most people I've spoken to is that they're in support of a veterans ombudsman, but they're concerned about the fact that it may be another level of bureaucracy that doesn't have the teeth to force the government into something that should be straightforward, in their personal point of view. Have you or the Royal Canadian Legion in any way advocated that anything from the ombudsman should have binding rules upon the government or the department? Or should it be just an advocacy role and an exposure role to go through the department's concerns with a fine-tooth comb and basically make the report to Parliament and that would be it?

● (1605)

Mr. Jack Frost: I don't believe we've reached consensus on that. It's certainly an option. If it's decided that an ombudsman will be appointed, then this would be an issue that would have to be resolved from within the government. Do they want a binding role or just an exposure role?

If and when we get to that point, I suggest that you bring it up again. We can definitely sit down and discuss it.

Mr. Peter Stoffer: We talk about the bill of rights for veterans, but most veterans are very concerned about their families, about what will happen when the veterans pass on. Some people would like to see a bill of rights for veterans and their families. You talk about the widows of veterans who are deemed not eligible for VIP. You talked earlier about the pension allotment that is allowed to be left behind.

There's a concern across the country regarding what is called the gold digger clause. If a veteran remarries before age 60 and then dies years later, his second spouse is entitled to his pension. But if that veteran marries at 60 or above, the second spouse is not entitled to anything. They call this the gold digger clause, and this is something a fair number of people want changed.

Would it not be helpful for a bill of rights for veterans to focus on the family, as the new Veterans Charter does?

I believe one of the reasons the Legion supported the new Veterans Charter was that it didn't concentrate only on the veteran. With respect to benefit packages, it also concentrated on the children and the spouse of the veteran.

Mr. Jack Frost: The Legion has always considered that its primary responsibility is to the veteran, with the veteran's family coming immediately after. This is enshrined in legislation today. Family rights could be included in the preamble of a bill of rights for veterans. That would enshrine their rights as well.

You mentioned the gold digger issue. The Legion has supported that issue in the past and will continue to support it. If a person remarries after the age of 60, the person should be entitled to the pension as well.

The Chair: Mrs. Hinton.

Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC): Congratulations, Mr. Frost. I look forward to working with you and hearing what you have to say. It was an interesting introduction today.

I would like to begin by telling you that we find ourselves on the same side on at least one of the issues that has been raised: to find on the side of the veteran whenever there is any doubt. It's something I've advocated for years.

One of the problems that I have seen from the government side of the House is a backlog of casework. When we came in as a government, we inherited a backlog of 7,500 cases, which seemed absolutely ludicrous. I can assure you that we're trying our best to streamline things so that it doesn't take as long.

With respect to the gold digger and clawback issues, they are both defence issues, but it's certainly something that's important to every member around this table.

If you have any evidence of clawback, I would be more than happy to see it. I have been working on this issue for more than two years, and the only clawback I've seen regarding RCMP pensions is when a member chooses to take his pension at 60 instead of 65 and a lesser amount comes forward after 65. So if you're aware of any cases, I would be happy to see them. I've been looking for something I could actually nail down.

I was also interested to hear you say during your presentation that the Legion has long advocated for an ombudsman. I've been on this committee for several years, and I would differ with that opinion. It was very difficult to get the Legion to come on side, but I'm thrilled that you're on side now, and I think you're going to add something very substantive to our discussions.

Have you had an opportunity to look at any other countries that have both a bill of rights and an ombudsman?

• (1610)

Mr. Jack Frost: We've examined some of Australia's policies. In fact, Pierre, I'm quite sure, is well up to speed on them. They have some very good stuff that we're looking at, and possibly we would like to come back and discuss putting amendments forward to our present-day charter that has just been issued.

As far as the ombudsman goes, I'd quite frankly be a stranger to the truth if I said that I was a great believer in the ombudsman, say, two years ago. I felt there was a purpose and a place for him, and I've since changed my mind as far as the pension process. Prior to that, I felt that it was another level of bureaucracy that would only slow down a veteran's due process. But I've been shown a number of cases where a veteran has actually, out of his own pocket, spent many thousands of dollars to get the same due process that an ombudsman could have given. Therefore, although I always felt there was a place for one in the long-term care process, I'm quite willing to accept now that there's a need in the pension due process.

Mrs. Betty Hinton: I'm absolutely delighted to hear that, and I'm also delighted to hear that you have brought yourself up to speed on Australia's process, because I'm sure, like me, you agree that there's no sense starting from square one when somebody's already got a

pretty good system in place. In that case we should cherry pick the good parts out of that and save ourselves a lot of work.

Thank you very much for coming, and I'll pass on to Mr. Shipley.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you again. I also want to congratulate you. It's good to see Mr. Allard back out again. He's a faithful representative, I can say, at our meetings, and I think that always bodes well for your organization.

I'm going to go back to Mr. Stoffer's comment, just because I'm not sure.... You talked about a binding role for the ombudsman. Can you give me an example of where an ombudsman has a binding role, where in fact what they say becomes legislated? I'm just asking because usually, as Mr. Parent said, they're the advocate; they're the spokesperson for the process. If you have an issue with someone, they become your advocate or your right-hand person to help you walk through a bit. So I wasn't clear about that. I am just looking for an example, if there is one.

Mr. Peter Stoffer: Mr. Shipley, you're correct, there isn't one. Ombudsmen don't have binding authority over a particular department; they just advocate. So Mr. Frost's initial concern about an ombudsman maybe being cumbersome or bureaucratic, or becoming another level of bureaucracy, was the initial concern that some people had about it. But most people I've spoken to have said that maybe another advocate, or another voice, to address your concerns would be a good thing.

Mr. Bev Shipley: Okay.

Could I go back to page 1 of your presentation, Mr. Frost. You've laid out the three areas or issues that you've brought up. One was the pre-1981 widows of veterans. With respect to the year 1981, is there a constitutional or legal aspect to that? I don't know what that is, but the 1981 is there.

Mr. Jack Frost: Presently the legislation is that after 1981, widows of veterans are eligible for VIP, but prior to that they're not.

Mr. Bev Shipley: I understand that, but I'm wondering if there's a particular reason for the 1981. I know Ms. Hinton mentioned that it was a DND issue, that basically it fell under that.

Under number 3, though, you talked about Canadian Forces vets being eligible immediately for access to critical care in the seventeen major long-term facilities and also in those facilities that VAC has contracts with. I wonder if you could help me with some of the concerns that are out there, just so that I understand. You don't have that there without a reason. Could you give me some illustrations of what's actually happening out in the field, so that we can all have a better understanding of what the impact is?

• (1615)

Mr. Jack Frost: Actually, I could go on for quite a long time.

Mr. Bev Shipley: A long while? I only have seven minutes and you're part of them.

Mr. Jack Frost: I'm going to give Mr. Allard the opportunity. He has the short version.

Mr. Pierre Allard: I'll try to make it short.

The reality is that after World War II, in those seventeen major facilities where there were primary access beds, actually approximately 2,000 beds were reserved for critical care for veterans returning from that conflict. Over the years, these critical care beds had a different vocation. They were changed over to chronic beds because the department was dealing with veterans who were aging.

We now see some injuries coming out of Afghanistan. If you look at the statistics, 200 Canadian Forces personnel have been injured since we've been in Afghanistan. Some of those have received traumatic injuries that are putting them at risk, and they could be in those types of facilities possibly for the rest of their lives, which is why we're saying there's an immediate need in those specific facilities, in those primary access beds that the department controls.

Mr. Bev Shipley: Thank you.

The Chair: Mr. St. Denis.

Mr. Brent St. Denis: Thank you, Mr. Chair.

I'll add my own congratulations to you, Mr. Frost, and to the Legion in general for its work on behalf of not only its members but the larger community. Among national organizations, the Legion is among the most visible in our communities. Almost every month, there's an event or several events in my own riding, and I'm sure it's the same in my colleagues' ridings.

On a veterans bill of rights and an ombudsman, we started this when I had a moment earlier on. To me, a bill of rights, whatever its elements are, is a more global statement, whereas the purpose of an ombudsman is the nitty gritty details of making sure that a bill of rights, whatever it looks like, gets delivered on behalf of the veterans.

I agree with my friend Mr. Perron, and I think Mr. Stoffer got into it as well. There's this line between whether or not an ombudsman can dictate, at any point in a process, that such a thing should happen. Or is it as we see with our provincial ombudsman positions, in that they are advocates? As members of Parliament, we act, maybe in a humble way, as ombudsmen for our constituents on many different matters.

I'm not arguing for or against one, but does there need to be a bill of rights for there to be an ombudsman, just generally? In other words, is it an all-or-nothing scenario, or is there enough need now? I know the Legion is going through the discussion on this, but to those of your members who believe in an ombudsman, is there enough need to justify an ombudsman even without a bill of rights, or are they mutually inclusive issues?

Mr. Jack Frost: We believe they're inclusive.

If I could just digress for a moment, I'm not answering your question 100% to your satisfaction, but I'm a firm believer that there should be a bill of rights for seniors in this country, just as there should be a bill of rights for the veterans.

Veterans are a special people whom we Canadians and the governments of the day have put possibly in harm's way. They've suffered injuries, they're a special type of people, and we should guarantee that those rights are always enshrined, that they have a bill of rights. We do have a process today that is supposed to ensure they receive due and fair process, and it works very well. But I'm sure

that, as it is with every other organization, sometimes things go astray. The ombudsman would be there to bring the pension process back to what it should be. I guess that's my short answer.

•(1620)

Mr. Brent St. Denis: So for you—and I think I saw Mr. Allard nodding his head—they are inextricably linked. You might have a bill of rights without an ombudsman, but you can't have an ombudsman without a bill of rights. Is that a fair statement?

Mr. Jack Frost: I don't think that's a fair statement. They're closely tied to each other, but you could have an ombudsman... whether it would work as well without a bill of rights. Ideally you should have both.

Mr. Brent St. Denis: One concern that the drafters, the legislators, and you have—and that's why we're trying to get our head around it—is that an ombudsman creates an expectation, as I think it should, that those served by the ombudsman will get a certain quality of service when they make an appeal.

To use a quick example, I had a constituent who had a problem with a bank and complained about how the local manager handled a particular situation. So I helped them access that bank's ombudsman, and I was amazed that the ombudsman had no legal authority to tell the manager to do this or that. But just the fact that the ombudsman made the inquiry opened people's minds to different ways of looking at things, and in that situation it got resolved.

I'm not saying it always did. As long as those served by an ombudsman understand that, I don't think an ombudsman is going to be able to dictate absolutes to people, but by moral suasion, by the inquiries, sort of keep things on the rail.

Is it your sense, as you discuss these matters through the Legion, that an ombudsman would not have legislative or legal authority, but could help veterans by bringing a professional approach to inquiry?

Mr. Jack Frost: It's our belief—and I've worked in private industry for a long time as well—that the ombudsman's role is to protect. But he brings forward injustices that are occurring, such as in your bank. The bank manager knows that suddenly he has to take a second sober look and say, gee, this guy is right, and not only is he telling me, he's probably telling my boss, so maybe I'd better get in line and get back on the wagon here.

I wouldn't see the ombudsman's jurisdiction as having absolute authority, because then you're going into another dictatorial solution. It has to be reporting.

Mr. Brent St. Denis: Thank you, Mr. Chairman.

The Chair: Thank you, Mr. St. Denis.

Now it's Mr. Gaudet, for five minutes.

[*Translation*]

Mr. Roger Gaudet: Thank you, Mr. Chairman.

Good day, gentlemen, and welcome. I'd like your opinion on the Veterans Charter. Should it clearly spell out the responsibilities of veterans? We have the Canadian Charter of Rights and Freedoms and, as I recall, it does not list the responsibilities of each and every citizen.

[English]

Mr. Jack Frost: The charter should describe what the individual veteran's rights are, especially as to due process. It should guarantee this, and the charter should be short but specific.

It should be capable of being monitored; somebody should be able to come in and specifically say, well, you failed in your obligations to this charter, or do an audit and say, you've done everything encompassed within this charter.

• (1625)

[Translation]

Mr. Pierre Allard: I'm not sure I understood your question. By "veterans responsibilities", do you mean the responsibilities of military personnel on duty? Their greatest responsibility is, quite simply, risking their lives for their country.

Mr. Roger Gaudet: I agree with you, but that's not what I meant. Immigrants arriving in Canada maintain that they have rights and freedoms. I don't dispute that. However, citizenship also carries with it certain responsibilities. That's what I was getting at.

The same applies in the case of the Veterans Charter. I would like it to spell out clearly the responsibilities of each and every person. Right now, a newly arrived immigrant has more freedoms than I do, even though I was born here 60 years ago. That's where the difference lies.

Mr. Pierre Allard: The veteran takes on the biggest responsibility possible, namely sacrificing his life for his country. One cannot ask for anything more.

Mr. Roger Gaudet: You misunderstand me. I'm talking about subsequent responsibility. Take, for example, a war veteran who wasn't injured and who worked for 20 or 25 years. I have a concern.

The first time I put the question to you was when you appeared along with Mrs....

Mr. Pierre Allard: And I gave you the same answer.

Mr. Roger Gaudet: I'm not satisfied with your answer and that's why I'm belabouring this point. The Charter has little to say on the subject of veterans. However, if it encompasses everything, it becomes a free-for-all. Everyone, veterans included, must have certain responsibilities, otherwise, there will be no end to it.

I'd like to hear your views on this, because I'm trying to get a good grasp of the issue. I agree that there should be a veterans charter, or charter of rights and freedoms. I don't have a problem with that. However, veterans should also have certain responsibilities where the charter is concerned. For example, even though they enjoy certain rights, if they make a false statement, they must be judged accordingly and pay for their actions. That's my opinion.

Do you agree with me or not? That's what I want to know. You're saying you do, but no one heard you.

[English]

Mr. Jack Frost: Well, I guess we're listening. I think the veterans' responsibility is to the country. As a serving member, basically his responsibility ended when he was discharged, and certainly after he was discharged, he has those specific rights. Now, if you're asking if he misrepresents himself, then...we have that happening every day...

and I'm not saying it would never happen. What we're saying is that he has the right to due process. If he misrepresents himself, then he opens himself to a due process of civil law.

[Translation]

Mr. Roger Gaudet: I understand what you're saying, but I'm concerned that people will hide behind the charter and that at some point, the floodgates will open and people will quite simply be entitled to everything.

Mr. Pierre Allard: The department does have policies and regulations in place, after all. It encourages members or veterans applying for benefits to follow these policies and comply with the regulations. This could be seen as a responsibility on their part. It's clear that existing procedure must be followed. One cannot simply claim to be entitled on the spot to a particular service. Procedures must be followed.

Mr. Roger Gaudet: Thank you.

I have nothing further.

[English]

The Chair: I know, when we're having fun, time flies.

Mrs. Hinton, it's your turn for five, if you wish.

Mrs. Betty Hinton: Okay, thank you. I'm going to share again with another colleague.

I have one comment and two requests.

The comment is that the bill of rights supports the authority of the ombudsman. That would be my vision of it.

The requests are, first, if you're aware of veterans who are members of the Legion, whether they are current serving or past serving members, I would encourage you to ask the past serving members to apply for the VIP before it's too late. One of the reasons I say that is because I have had my heart broken several times, where a veteran who was feeling strong and independent and didn't want help from government, refused to take the help; then he's out shovelling snow and he up and drops dead, and now his widow is without the benefits. So if you could encourage people to do that, I would very much appreciate it.

The second thing that came just a few minutes ago was a comment. You talked about modern-day veterans from Afghanistan having problems with critical care beds. I have never heard that. As the parliamentary secretary to the Minister of Veterans Affairs, I'm surprised I haven't, if it is an issue. I would encourage you to please come and see me. We won't take up the time of the committee, but please come and see me. If you can give me specific examples, we'll give you solutions.

I'll go to Mr. Sweet, please.

• (1630)

Mr. Pierre Allard: There's also the element of what I would call the policy issue here, that access to primary access beds and the major contract facility is not enshrined in your policies. I think it's time to look at that for those people who are injured currently coming out of Afghanistan who might need access for long-term care in that type of facility.

Mrs. Betty Hinton: I don't entirely agree with you, but I think we need to talk about this. Please come to my office. I'd appreciate it.

Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): I think I'll add to everybody's words in saying congratulations, Mr. Frost. I would also echo the fact that Pierre makes every meeting that I've ever been at as well.

I would like to aggregate as much information as I can regarding your opinions around the ombudsman. I've tried to galvanize some of the information here. Other than defending and ensuring veterans rights, ensuring the integrity of the review and appeal process, as well as providing a defence avenue for a veteran without added financial duress, which we talked about as far as the court process goes, what other roles do you see an ombudsman playing as we move forward to try to describe the roles and responsibilities of this person?

Mr. Jack Frost: There's definitely a role in long-term care. We have problems today, for example, with the wait list. We've had veterans' dependants who have had extreme difficulty getting information from the hospital or doctors regarding their loved one's well-being or in fact their demise.

We've had long-term care facilities that have received large amounts of money from Veterans Affairs Canada and in fact were being paid for beds that weren't being used. In fact, just recently there has been an audit completed by Veterans Affairs on the regional activities in Ontario, which I think has exposed a number of problem areas that I know they're rectifying. An ombudsman could probably have stepped in prior to this and let those cases be known. I'm talking long-term care issues now. I don't see a place for the ombudsman strictly in pensions and benefits. I see it in all venues.

Mr. David Sweet: Thank you.

The Chair: Thank you, Mr. Sweet.

Mr. Rota, for five minutes.

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Thank you, Mr. Chair.

Apparently there's a draft veterans bill of rights that exists, and I haven't seen a copy of it. It's been put together by the Legion. Is that a public document? Is there any way of getting a copy? Could we have the draft sent to the committee? Is that available?

Mr. Jack Frost: It's certainly possible. It's on our website.

Mr. Anthony Rota: It is on the website. That's good to know. I'll go to the website then. That's not a problem.

The other question I have is regarding the ombudsman. We've had a number of discussions over the last couple of years. Just so that I get myself straight here, the Royal Canadian Legion is now in favour of the ombudsman. Is that the official stand of the Royal Canadian Legion? Does it go into the grassroots? Is it pretty well permeated right through?

•(1635)

Mr. Jack Frost: It'll go to the grassroots. It is our official stand that, yes, we support an ombudsman, but we would like to have input before the final documentation is completed. As well, I'm sure

the other veterans organizations would also like to see it before the ink is dry.

Mr. Anthony Rota: That's encouraging. I like to hear that.

One of the things that comes up time and time again is geographical location. As you know, I'm from northern Ontario, and northern or rural areas don't always get the best service. The nice thing about having a Legion is that it's in the area. How do you see yourself working with the ombudsman to ensure that people in remote areas get full service? That's a very important issue for us. Do you see that cooperation going forward? It sounds like a marriage made in heaven if we can have both organizations working together.

Mr. Jack Frost: Certainly that works easily through our service bureau network, through the organization of the Royal Canadian Legion. It's a bottom-up organization, where if there are issues at the grassroots level and somebody wants to press the right buttons, they can get to me within a matter of weeks with issues that I can bring forward. I say weeks, but in fact within days I can be apprised of what the issues are and we can bring those forward. It's not a slow, cumbersome body. Could it be faster? Anything could always be better, but I think it works well.

Mr. Anthony Rota: That was one of the concerns that was brought up often with individual Legion members. When we have a Legion nearby, we can access it easily and there is help there and someone we can relate to. Having the ombudsman and the Legion working together really sounds like a perfect setup.

Has this come up? Has it been discussed at all?

Mr. Jack Frost: We've discussed it with the provincial presidents extensively. We've asked for their input. At this time, we have a consensus that we agree with having an ombudsman. It's just a matter of what the model will be. If we had an advisory council that could take those issues and speak directly to the ombudsman, it would probably work even better.

Mr. Anthony Rota: I would like to welcome you to the new position. Congratulations. You have some big shoes to fill. Mary Ann Burdett did a wonderful job, but you seem to have the same passion. Thank you for taking the time and doing this job.

The Chair: Well said, Mr. Rota.

Mr. Shipley.

Mr. Bev Shipley: One of the issues has to do with modern veterans and traditional veterans within the Legion. It comes up from time to time that the modern ones may not be as comfortable with the Legion as the traditional ones.

We're into the modern day and it's a bit of a different scenario. I'm wondering what your plans are. You'll need to implement them. You'll need the confidence and support of your members. You talked about smaller groups that may be forming. I'm wondering if you have comments on this and what your strategy will be.

• (1640)

Mr. Jack Frost: We're well aware of changing lifestyles. The needs of the young serving member being discharged today are not the same as those of the veterans of World War II or Korea. Those needs are different and their lifestyles are different. It is a major concern of ours. It's a documented fact that our membership is dropping. We're starting to see some new organizations popping up here and there. There are a number of reasons for this. We saw the same thing after World War II, with a number of the regimental organizations. They are very good, God bless them, and I support them 100%.

Just this past weekend we discussed how we're going out to every known veterans organization and asking them to exchange views with us to see if there are issues on which we can support one another. We know that the peacekeeping group, with its younger members, is gathering strength. We're also looking at bringing everybody to the table. We may even have to look at what was done in 1926, when we brought all of the veterans groups under one umbrella and took another look to see if we couldn't support each other and come back under one name.

Yes, we are working toward resolving this issue. The young serving member today is a lot more savvy when it comes to the website, the computer. Those are areas we are working on to try to get them onside with us. We're looking at offering a free one-year membership for every discharged member, to see if that will help us.

Mr. Bev Shipley: Is that the issue? I just encourage you, because before I got into this position, I have always related the Legion to the vets and representation of them. For your good, in whatever you can do to represent the vets, it's certainly good for you to come to a larger body like this as the spokespeople for them.

Fragmentation is always difficult, and fragmentation causes a loss of drive and a loss of power and a loss of authority, so I just want to know what you've actually done in terms of plans or strategy. The subject is one that has come forward before, that's been laid out here before, and I just encourage you to get that strategy in place so that you can continue to work on bringing them together, because they're all vets.

Thank you. That's all I have, Mr. Chairman.

The Chair: There are twenty seconds left, Mrs. Hinton, if you wish.

Mrs. Betty Hinton: I'll make it really quick then. It's just a comment again.

You mentioned that you'd like to see a six-year mandate, and you mentioned that you'd like to see that to ease through governments. I just wanted to point out to you that in the last six years there have been three elections, so I wish I lived in your world.

The Chair: All right, I believe we're now up to Mr. Stoffer, for his second kick at the can.

Mr. Peter Stoffer: I always feel like that last kid picked at the ball game, you know.

Some hon. members: Oh, oh!

Mr. Peter Stoffer: Here we have a DND ombudsman, and now we're going to set up a veterans ombudsman. I've asked other people this question, but has any thought been given at all, from the Legion's perspective, to the idea that maybe the role of the DND ombudsman could be expanded, with more resources and more personnel, in order to do possibly both?

One of the concerns that we have—and Madam Hinton indicated it as well—is that the clawback and other issues are DND-related, yet these are veterans who are clamouring for changes to these particular policies. Sometimes there's confusion there, and they want to know who they can go to in order to argue their point. Is there any consideration at all of having that one person do both?

• (1645)

Mr. Jack Frost: I'm going to just answer that briefly, but then I'm going to ask Pierre to answer it also.

There are two separate ministries, and they're not the same. We feel it would definitely require a separate ombudsman. The DND ombudsman right now has a full plate, and he has different issues that he's working with. We would be a little afraid that one side might taint the other side when it comes to his vision.

Mr. Peter Stoffer: Let me give you an example of something that happens now.

We have a veteran who loses both his legs in the service of his country. He comes back and, for whatever reason, he decides he's going to leave the military. He'll receive a pension and he'll receive all the assistance that VAC can give him. Then, of course, he realizes that because of maybe PTSD or his injuries, he can no longer work again anywhere else. He's then advised to apply for a Canada pension disability. He applies and he probably will receive it. The amount that he receives from a Canada pension disability is immediately reduced by the amount he receives in his super-annuation, his forces pension. He's not 65, but that happens immediately. If that person wanted to advocate that change—and this is a veteran now—you would have a veteran going back to DND and looking to change this. Do you not see a possible confusion in direction that the veteran may have in this particular issue?

Mr. Pierre Allard: In actuality, under the new Veterans Charter, he could apply for rehabilitation, and he could be rehabilitated even though he may have lost his two legs. He could have psychosocial or any type of rehabilitation that would allow him to be employable again. Under the new Veterans Charter, he could be getting, first of all, a disability award for that disability, and probably economic loss, which would guarantee him 75% of his previous salary.

The fundamental principle is that the needs of the Canadian Forces member and the needs of the veteran are different. That's why you have a Standing Committee on Veterans Affairs. That's why there is a Department of National Defence and there is a Department of Veterans Affairs.

Having said that, if you populate the secretariat with various ombudsmen, like the Canadian Forces ombudsman, like the veterans ombudsman, and maybe one for health, then maybe if they have common problems, they can talk to each other and try to resolve those problems. If I understand it correctly, that's the Australian model, in which there is this secretariat that is an umbrella organization for a number of ombudsmen.

Mr. Peter Stoffer: Very good.

Also, prior to the appointment of an ombudsman for Veterans Affairs, would you like to have input as to the makeup of that individual? For example, should that person have military experience? Should that person have legal experience? You may not get both, but what would you think should be the criteria for an individual in that particular position? If you, for example, were appointing someone to be the Veterans Affairs ombudsman, what qualifications should that person have?

Mr. Jack Frost: I believe he should have a legal background. I don't necessarily believe he would require a military background. Certainly if he had some medical in his background, I'm sure that would help too, but that's not a decision we really want to make. We're more prepared for and would like to see the reporting structure than we are for who is actually picked.

Mr. Pierre Allard: And if there is an advisory council, then obviously the voice of veterans and ex-Canadian Forces members can be heard to give advice to the ombudsman.

Mr. Peter Stoffer: Thank you.

The Chair: Mrs. Hinton, you have five minutes, if you wish, and then Monsieur Perron is on deck.

Mrs. Betty Hinton: Actually, I don't have a specific question. I always find these meetings to be very informative. No matter how many years you sit on this committee, you always learn something from each meeting that you come to, and your input has been invaluable. I've read your web page, and I think it's a great first step. I also agree that you're a resource as a Legion. You're an invaluable resource, so why in the world wouldn't government consult you on some issues that they want to deal with?

You pointed out very well, Mr. Allard, the difference and the fact that we have a separate committee from the defence committee. I have served on both the defence committee and the veterans affairs committee. There's a lot of overlap, but sometimes it became extremely difficult to change hats, to know where to be.

On the veterans issues, it's about being a bit of a pit bull, if you'll excuse that horrible analogy, since people don't particularly care for pit bulls. I have had a lot of veterans who have done everything they could possibly do to resolve their own problems. They've gone to the Legion, and the Legion has done everything it could possibly do to resolve the problems. But there comes a time when you hit a wall, and this ombudsman, in my opinion anyway, is supposed to be the ladder up that wall. These are men and women who have fought for their country, who have served Canada well, and who have run into a brick wall, and there's nobody extra there to help.

Mr. St. Denis mentioned today that members of Parliament are in fact ombudsmen for their constituents. I agree that we are, but what happens when you happen to live in an area where your particular

MP isn't really interested in veterans issues and somebody who lives in a riding adjacent to you has an MP who is extremely interested in the issues? We need to have some kind of a balance there so that all veterans, regardless of where they live in this country, have equal access to an ombudsman.

I also would like to examine more thoroughly—which this committee is going to do—the whole Australian concept. I'm sure they have found some pitfalls over the years since it's been in place. If there are pitfalls, then we'll know about them in advance and we can avoid those pitfalls. And we'll also learn about the things they maybe didn't emphasize as well, and then we'll make sure that we do emphasize those parts that are important.

Going back to another comment that was made earlier about your membership, though, I, too, would like to see the membership of the Legion grow. Like Mr. Shipley, prior to my becoming involved politically, the Legion was veterans to me. So I'd like to see them play a stronger role. There may be some things that need to happen at your level that would encourage younger veterans to come in, but I would encourage you to do those things, because the stronger the Legion is, the better the advocacy role is. You've done a marvellous job as advocates over the years. I wouldn't want to see that diminished at all. I'd like to see that stay as strong as it has been, and perhaps even grow.

So thank you very much for coming. I'll give you the rest of my time to say whatever it is you might like to say as a finish.

• (1650)

Mr. Jack Frost: That's a hard act to follow, Mrs. Hinton. I thank you very much for your compliments.

Certainly there's the issue of our declining membership, which now is in the neighbourhood of 400,000. At one time we peaked at 602,000. We still maintain the same services and programs as 15 years ago, but it's getting harder and harder. We've cut some bells and whistles out of our programs, which we certainly miss.

As I indicated when I was installed as president, membership was going to be my number one priority, and I would be in the face of all the other directors about how we were going to increase it and go forward from 2006.

Thank you very much.

Mrs. Betty Hinton: I have a closing remark as well, and it is strictly personal. Remembrance Day is coming up on November 11. It's something I never miss. I'm so encouraged by the number of children, which increases every year, and I give you full credit for helping to increase those numbers. You've done a wonderful job of making them aware, as have a number of other veterans groups.

I look forward to November 11 for two reasons. I go to all the legions that I can get to in my riding, and I also go to ANAVETS. Without a second's hesitation, I can tell you that I get my legs danced off that night and I love it. There is no dancer like a veteran. So I take my dance card, it gets filled, and I have a wonderful time.

Thank you for being a part of that, and thank you once again for the role you've played in letting children know how important veterans are to this country.

• (1655)

Mr. Jack Frost: Thank you.

The Chair: There you go.

Now we'll move on to Monsieur Perron, with Mr. Cuzner on deck.

[*Translation*]

Mr. Gilles-A. Perron: I'd like to take a few moments to focus on a definition that is perhaps poorly understood. I think we need to talk about the ombudsman's role. As I understand it, his role is to receive complaints, either from an individual or group, — for instance, an association — alleging that something in the system isn't working well, that there's a problem of some kind.

After receiving the complaint, the ombudsman must investigate to determine if the complainant — be it an individual or an association — is justified or not in making the complaint and whether an inquiry is warranted. If problems are discovered upon due investigation of the complaint, the ombudsman is required to make recommendations to the department, that is to either the minister, the deputy minister or a departmental representative, with a view to settling the complaint and ensuring the problem doesn't spread.

For that reason, the ombudsman shouldn't be taking orders from the department, or for that matter, issuing any either. To guarantee neutrality, the ombudsman must report to Parliament. Were he accountable to a political party or to a particular department, he would be caught between a rock and a hard place. By being accountable to Parliament, he can take on the role described by Mr. St. Denis, that is the role that Members of Parliament assume daily, although we don't necessarily have the same knowledge and the department doesn't listen to us as it would to an ombudsman.

For that reason, I disagree that an ombudsman should be a departmental employee. Once again, I'd like to call to mind my friend André Marin who served admirably as DND's ombudsman. He prepared a solid report on Quebec's health insurance system, emphasizing what was taxable and what was not and pointing out that some individuals were being shafted. His report was so on point that the Minister of National Defence informed him that he would need to look for another job after July 5, 2005. He dared bite the hand that fed him. And he suffered the consequences.

An. hon. member: As everyone well knows.

For that reason, the ombudsman must be free to defend the interests of ordinary constituents, and not be bound by a departmental policy or some such thing. He shouldn't have to choose between the hand that feeds him and his job.

These are my views on the subject. If you have anything further to add, Pierre and Jack, by all means go ahead. I simply wanted to give you some food for thought. We can discuss this matter again another time.

Again, thank you for joining us.

[*English*]

Mr. Jack Frost: Certainly, I'd love to discuss this with you further, Mr. Perron. I couldn't agree with you more in your comments. You're spot on about where the ombudsman has to be independent, and as you said, he can't be afraid of getting bit by the person he's reporting to. But in this case he's reporting to Parliament and not the minister—in the ideal situation. So it would be an ideal situation. In fact, I don't see how he would be sent looking for another job.

Nothing is impossible.

I would point out that, as you know, Mr. Marin has a great job in Ontario today—

• (1700)

Mr. Gilles-A. Perron: And he's doing a good job, too.

Mr. Jack Frost: And he's doing a good job.

I would let my colleague here further amplify what I just said.

[*Translation*]

Mr. Pierre Allard: I believe we're not that far apart, as far as the role of the ombudsman is concerned. That role involves conducting investigations, doing analyses, making recommendations and suggestions and ultimately going back to the VRAB and advising it to perhaps review its decision, in view of the facts brought to light. All of these appeal levels are prescribed by legislation.

Mr. Gilles-A. Perron: And they are function of the way in which regulations and laws are interpreted.

Mr. Pierre Allard: Of the way in which regulations, laws and policies are interpreted. On the other hand, perhaps the same result could be achieved by adopting the Australian model, where we have a secretariat with a chief who reports to parliament and subordinate ombudsmen who in turn report to ministers.

Mr. Gilles-A. Perron: And what about the Quebec model? Consider the protocol...There are 25 separate departments.

Mr. Pierre Allard: Still, there is question of ministerial responsibility and accountability to Parliament...

Mr. Gilles-A. Perron: There's no need to look to Australia when you have the Quebec model.

[*English*]

The Chair: Now who's talking?

I love our characters.

[*Translation*]

Mr. Pierre Allard: Nor should we forget the role of advisors, veterans organizations.

[*English*]

The Chair: Thank you very much for that lively speech.

Now, on to Mr. Cuzner for five minutes.

Mr. Rodger Cuzner: I just want to shift gears a bit. It might flow from the questions put forward by Mr. Shipley, but it's outside your testimony today.

I have 24 legion branches within my constituency. Not unlike many other members around the table, they probably vary in size, in their ability to succeed and move ahead, and in their sophistication of the executive and its ability to operate in current situations. They are mainly in rural communities. As we all know, people are leaving rural communities and moving to larger centres. That's a fact of life. What has befallen the memberships is really somewhat of a burden, a chore, or a challenge to continue to operate the legions. Sometimes their main focus and challenge is not just to provide for their membership and address issues that impact the veterans, but to keep the doors open and patch the roof sort of thing.

With respect to the national command, I'm wondering if you could enlighten me somewhat as to whether the branches are totally autonomous. Are they responsible to the regional command? Are there services available, maybe expertise in real estate? I have a couple of branches that are looking at closing down and selling the property. Does that money go back to the national command? Is there any major plan going forward to address some of the challenges by veterans in rural communities who are trying to keep legions open?

Mr. Jack Frost: You've asked a lot of questions there.

First of all, with respect to the national structure, a branch is autonomous as long as it stays within the constitution and the general bylaws of Dominion Command and their provincial command. Some branches have their own bylaws, and as long as everything stays within the overall envelope....

If a branch wants to sell its property, then it has to have permission from the provincial command it belongs to. The provincial command will look at ways to help save that branch, if it's at all possible.

I'm sorry, I forget where you're from. Cape Breton? Nova Scotia has a great program that it calls the branch advisory committee. It will make every possible effort to keep that branch afloat. It could be financial advice that it needs, or it could be declining membership. A branch can sell its property but still hold its charter. If a branch is disbanding, then 99.9% of the time whatever moneys are left would stay within that community and be dispersed among other charitable organizations.

So, no, it does not come to the Dominion Command unless we've incurred expenses in disposing of the property. For example, let's say the branch has been operating outside the charter. I send a directive saying get back in or you're out. We give them every opportunity to get back in, but let's say they continue to stay out. Then I pull the charter and there are expenses involved—lawyer expenses—to dispose of the property. I would claim those expenses to Dominion Command and the rest would still go back to the community.

● (1705)

Mr. Rodger Cuzner: Mr. Allard, do you have a...?

Mr. Pierre Allard: I just want to add one thing. We will make all efforts to help branches, even to the point where if they need to consolidate, if they need to use their assets—which is the land, which is sometimes quite valuable—then we actually have a consultant who is operating out of Charlottetown.

That consultant is our housing consultant. He happens to be a VAC employee who is on secondment to the Legion, so he is a

resource that is very valuable. He has assisted some branches in actually developing housing projects, for example, to create revenues, etc., or to see what they can do with their land. So there are mechanisms in place in addition to a branch just not being able to continue. So we do encourage them.

Mr. Rodger Cuzner: I've lost two so far. There is a great deal of pride in the veterans and a pride and sense of community with the branches. I recognize that. But as the young people leave for education or employment opportunities or whatever it might be, the numbers aren't there. To generate funds, there are only so many karaoke nights to go around.

So if they were to sell it, they would put together a disbursal of funds, a plan, I guess, and bring it forward to the provincial command first. Okay. It's great that such advice is there for them as well.

Mr. Jack Frost: We're also pushing for amalgamation. We've looked at the whole structure of zones, districts, and branches, but one of the obstacles we run up against when we recommend it is the pride in that branch, "I belong to Branch 620 and I'll be darned if I'm going to amalgamate." It's a problem we are working on.

Mr. Rodger Cuzner: Yes, that's right.

Thank you.

The Chair: Thank you, gentlemen.

Seeing that we don't have any more people on the list who want to...just to let you know, Mr. Stoffer, we'd have to go Conservative Party and Liberal three times, then Bloc, then Conservative Party and Liberal again, and then back to the Conservative Party, and then you.

Mr. Peter Stoffer: Perfect.

Mr. Bev Shipley: I'm surprised you show up.

Mr. Peter Stoffer: I don't have any plans.

The Chair: We have to go that route then, I guess.

Are there any Conservatives who wish to get on the roster?

Mrs. Betty Hinton: I don't have any more questions. I think I've asked all the questions I have. My colleagues don't seem to have any more questions either. But I will give you an opportunity, if you'd like, Mr. Frost or Mr. Allard, to make some comments that you might want to leave with the members of this committee. There may be some things we have not managed to touch on that you would like to speak about and that are important to you. Please feel free to use my three minutes. I have no problem with that at all.

Mr. Pierre Allard: The only thing I would add is that I think your committee has done very good work in looking after the interests of veterans and grilling people like us to present ideas and concepts. I think your assistance is also very valuable. Whichever party you're from, I think the interest of veterans is the first thing on your minds, so I think we, the Legion, recognize that and we thank you.

•(1710)

Mr. Jack Frost: I would also like to go on record as saying that even though it may appear that we've taken maybe what you would call a shot at VRAB, it certainly was not our intention to have done so, because we truly believe they do a magnificent job. Sometimes we disagree with the outcomes, but overall we believe they and the department as well are well in tune with helping the veterans.

Thank you.

Mrs. Betty Hinton: Well said. I think constructive criticism makes anyone and everyone grow, whether it's this committee or VRAB, and I think most of us would be big enough to take the constructive criticisms to heart and maybe try to improve the way we deliver.

In terms of being supportive and helpful to veterans, I can say without hesitation that this is probably one committee of the House of Commons that, regardless of political stripe, does not use this opportunity for partisan purposes, because all of us have an...well, okay, maybe sometimes.

Mr. Gilles-A. Perron: Hold on a minute. The game is not over yet.

Mrs. Betty Hinton: I'm getting some heads shaking over there. But overall I think it could be said that every member of this committee has the interests of veterans first and foremost at heart, and I think we conduct ourselves that way. We may jab back and forth—and you've seen the friendly banter that happens in this room—but basically we're here for the same purpose, and that purpose is to improve the lives of veterans.

When you come and you make criticisms, we consider those to be constructive criticisms. There's no need to apologize in any way, shape, or form.

The Chair: I know Monsieur Perron mentioned to me earlier that he wanted to talk about the committee business for Wednesday. I'm going to ask Mr. Stoffer if we might be able to move to that. Otherwise, we'll—

Mr. Peter Stoffer: I just have one question.

The Chair: How does the committee feel about Mr. Stoffer asking one question, and then we'll move to committee business for Wednesday? Is that all right? Yes?

Mr. Stoffer.

Mr. Peter Stoffer: I just wanted to say that we've been talking about an ombudsman for veterans, but I don't think anyone has ever asked the question as to why we need one. We have 3,500 people who work for DVA. We have 308 members of Parliament and over 100 senators, plus the media, the Legion, the NCVA, ANAVETS, etc. There has to be a reason why we need an ombudsman, and I'd like to know if you could possibly elaborate as to why the Royal Canadian Legion thinks we need one.

Mr. Pierre Allard: We're dealing with a different type of client today. We're dealing with a client who has had the opportunity to deal with the Canadian Forces ombudsman. There are certain expectations. There are certain ways that they see the business evolving. They're more informed. They go to the websites. I think we have to meet the needs of that new clientele.

Mr. Peter Stoffer: Thank you.

The Chair: Gentlemen, thank you very much. It's been good to have you back.

Yes, they deserve a good clap.

Some hon. members: Hear, hear!

The Chair: Of course, we deeply appreciate the work that you do. It's a good and noble cause and it's a great organization, and I think probably all of us are members of the Legion—or should be—in our respective areas and whatnot.

So thank you very much, gentlemen, for your presentation today. We'll probably let you go about your business in terms of clearing up or whatever, and then we'll move on to some committee business... unless it's really quick, Monsieur Perron.

[*Translation*]

Mr. Gilles-A. Perron: Mr. Chairman, I believe we're scheduled to hear from Mr. André Marin next Wednesday. Not realizing that committees sit on Wednesday, the Minister of Veterans Affairs has invited us to attend a very interesting event.

I'm speaking to Alexandre now. If it's not too impolite of us, could we possibly postpone Mr. Marin's appearance until a later date so that committee members would be free to attend this event. I'm putting this out there for discussion.

•(1715)

[*English*]

The Chair: First, I'll just describe this scenario. Yes, there is an unveiling of a poster this Wednesday by the minister at 2 Rideau, which is a conference centre facility. It's at about the time of our regular committee meeting. We've received invitations to go to that. In order for us to go to that presentation, it will require unanimous consent from the committee. We would, of course, have Mr. Marin in, but we'd have to rebook him for a subsequent week.

Mr. Brent St. Denis: I have a constituent who is being honoured at this event, but I think it's finished by four o'clock. It may only be a matter of asking Mr. Marin to start at four. An hour and a half is probably enough.

The Chair: Mrs. Hinton.

Mrs. Betty Hinton: On that very subject, I want to explain to you that the minister was sincere in his invitation. He wanted all members to be able to be present. We believe it's important and again very non-partisan and that we should all be there for the unveiling of this. But we never know what time it's going to end, and from my point of view anyway, I would be terribly embarrassed if we invited Mr. Marin and then we couldn't get back here on time.

It's up to the rest of the committee on which way you want to go, but I would like to make certain that we have an ample opportunity to hear what he has to say. I think what he has to say is very important.

The Chair: Mr. Stoffer.

Mr. Peter Stoffer: I would agree with Madam Hinton that because Mr. Marin was a very effective military ombudsman and now is doing a great job in Ontario, his words of wisdom would be very helpful for this committee. We've been to the unveilings before and they tend to run on a bit. If the committee agrees that we should have Mr. Morin at a different date, that way there's no pressure to rush. We could talk to veterans and people and actually have quite a nice unveiling.

I would agree that Mr. Morin would be asked to come at a different time, if possible, to meet his schedule.

The Chair: I think we would try to get him within two weeks, certainly, of that date.

I don't know if we need a motion to that effect or just a common understanding.

Monsieur Perron.

[*Translation*]

Mr. Gilles-A. Perron: I don't have a problem with that.

[*English*]

The Chair: All right.

I think we have agreement around the table. What we'll do then is we will go to the unveiling of the poster on Wednesday and rebook Mr. Morin for within two weeks.

Mr. Bev Shipley: We could all go as a group.

The Chair: Sure, if you want, we can meet beforehand.

Mr. Bev Shipley: No, I didn't know if we could walk over.

The Chair: It's very close. I think rather than trying to herd cats, we'll just let the cats all show up here at that time.

The meeting is adjourned.

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